

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN THE MATTER OF:**  
BRENDA RHODES-WALTON, Debtor  
9996 VIRGIL  
REDFORD, MI 48239  
SSN: XXX-XX-1526

CHAPTER 13  
CASE NO: 11-49838  
JUDGE THOMAS J. TUCKER

**TRUSTEE'S OBJECTION TO PROOF OF CLAIM OF  
SANTANDER CONSUMER USA INC., PACER CLAIM #13**


NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, pursuant to 11 U.S.C. Section 704(5) and Federal Rule of Bankruptcy procedure 3007 and hereby objects to the Proof of Claim by **SANTANDER CONSUMER USA INC., PACER Claim #13** for the following reasons:

1. The debtor filed for Chapter 13 relief on **April 06, 2011**. This matter was confirmed on **August 03, 2011**.
2. On or about **January 09, 2013**, **SANTANDER CONSUMER USA INC., PACER Claim #13** filed an unsecured proof of claim in the amount of **\$10,783.53** bearing account number **0195**.
3. The deadline for all creditors (except a governmental unit) to file a proof of claim was **August 15, 2011**.
4. The claimant failed to file its proof of claim timely as required pursuant to F.R.Bank.P.3002(c) & 3007.
5. As such, the Trustee is unable to administer these proceedings.

WHEREFORE, the Chapter 13 Trustee request that this Honorable Court disallow the proof of claim for **SANTANDER CONSUMER USA INC., PACER Claim #13** in the amount of **\$10,783.53**.

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

May 21, 2013

**/S/ TAMMY L. TERRY (P46254)**   
TAMMY L. TERRY, Chapter 13 Trustee  
/S/ KIMBERLY SHORTER-SIEBERT (P49608)  
/S/ MARILYN R. SOMERS-KANTZER (P52488)  
535 Griswold, Suite 2100  
Detroit, MI 48226  
(313) 967-9857  
mieb\_ecfadmin@det13.net

§ 341 Date: \_\_\_\_\_

Conf. Hrg. Date: \_\_\_\_\_

Bar Date: 03.11

B 10 (Official Form 10) (12/11)

<b>United States Bankruptcy Court Eastern District of Michigan</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>BRENDA WALTON</b> <b>LATOYA BOWERS</b>		Case Number: 11-49838
<i>Note: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Santander Consumer USA Inc.		
Name and address where notices should be sent: Santander Consumer USA Inc. P.O. Box 961245 Fort Worth, TX 76161 Telephone No. (888) 437-4846		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. <b>Court Claim Number:</b> _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): Santander Consumer USA Inc. P.O. Box 560284 Dallas, TX 75356 Telephone No. (888) 437-4846		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: <u>\$10,783.53</u> plus <u>10</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Money Loaned</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: 0195	3a. Debtor may have scheduled account as:  (See instruction #3a)	3b. Uniform Claim Identifier (optional):  (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: _____		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: _____  Basis for perfection: _____  Amount of Secured Claim: <u>\$ 0.00</u>  Amount Unsecured: <u>\$10,783.53</u>
Annual Interest Rate: 0.00% <input checked="" type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		
5. Amount of Claim Entitled to Priority Unsecured 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations Unsecured 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).
		Amount entitled to priority: <u>\$ 0.00</u>
* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		

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**IN THE MATTER OF:**

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9996 VIRGIL  
REDFORD, MI 48239  
SSN: XXX-XX-1526

CHAPTER 13  
CASE NO: 11-49838  
JUDGE THOMAS J. TUCKER

**NOTICE OF OBJECTION TO  
SANTANDER CONSUMER USA INC., PACER CLAIM #13**

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case

**Your claim may be reduced, modified, or denied.** You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before **(SEVEN (7) DAYS PRIOR TO HEARING)**, YOU OR YOUR LAWYER MUST:

1. File with the court a written response to the objection, explaining your position, at  
**U.S. Bankruptcy Court  
211 W. Fort Street Detroit, MI 48226**

If you mail your response to the Court for filing, you must mail it early enough so that the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

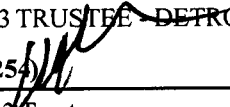
**BRENDA RHODES-WALTON, 9996 VIRGIL, REDFORD, MI 48239**  
SWEENEY LAW OFFICES PLLC, 30555 SOUTHFIELD, SUITE 400, SOUTHFIELD, MI 48076  
**TAMMY L. TERRY, 535 GRISWOLD, SUITE 2100, DETROIT, MI 48226**  
SANTANDER CONSUMER USA INC., PO BOX 560284, DALLAS, TX 75356

2. Attend the hearing on the objection, scheduled to be held on **Thursday, July 11, 2013 at 11:00:00AM** in **Judge Tucker's Courtroom 1925, U.S. Bankruptcy Court, 211 W. Fort St., Detroit, Michigan 48226**, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

May 21, 2013

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

/S/ TAMMY L. TERRY (P46254) 

TAMMY L. TERRY, Chapter 13 Trustee  
/S/ KIMBERLY SHORTER-SIEBERT (P49608)  
/S/ MARILYN R. SOMERS-KANTZER (P52488)  
535 Griswold, Suite 2100  
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**CERTIFICATE OF MAILING**

I hereby certify that on the date indicated below, copies of **TRUSTEE'S OBJECTION TO PROOF OF CLAIM TO SANTANDER CONSUMER USA INC., PACER Claim #13** and **NOTICE OF OBJECTION TO CLAIM** were served via Electronic Court Filing and/or mailed to the parties at the stated addresses below.

5/24/13

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

SWEENEY LAW OFFICES PLLC  
30555 SOUTHFIELD  
SUITE 400  
SOUTHFIELD, MI 48076

/S/ PATRICE WATSON

Chapter 13 Standing Trustee Clerk  
535 Griswold, Suite 2100  
Detroit, MI 48226  
(313) 967-9857  
mieb\_ecfadmin@det13.net

BRENDA RHODES-WALTON  
9996 VIRGIL  
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